HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 26920 of 2007

17.12.2007

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Between:

A. Sanjeeva Reddy

… Petitioner

AND

The Secretary, Regional Transport Authority,
Krishna District, Vijayawada & another

… Respondents

Counsel for the petitioner : Sri Y. Pulla Rao

Counsel for the respondents : Assistant Government Pleader for Transport.

O R D E R:

This writ petition is filed for a writ of mandamus to declare seizure of petitioner's vehicle bearing No. AP 29U 7995 under vehicle check report No. 2302523 dated 06.12.2007 made by respondent No.2 as illegal, arbitrary and unjust. The petitioner has also sought for a direction to the respondents to release his vehicle forthwith.

The lorry bearing the abovementioned registration number was intercepted and checked by respondent No.2 on 06.12.2007 at 12.40 p.m. at a place called Chillakallu. Vehicle check report, a copy of which is filed by the petitioner, shows that the lorry was carrying excess load of sand by1,945 kgs. over and above what is permitted as gross vehicle weight (GVW). In his affidavit, the petitioner has categorically stated that after the seizure, the vehicle was produced before the Judicial Magistrate of First Class, Jaggaiahpet, Krishna

District and that the said Magistrate posted the case for 22.12.2007 for imposition of fine. The petitioner filed the present writ petition with the averment that he is prepared to pay the fine, but if the vehicle is continued to be detained till 22.12.2007, it will be subjected to deterioration in its condition.

Having regard to the fact that the legal process has already been commenced with the seizure and production of the vehicle before the jurisdictional Magistrate, I am not inclined to entertain this writ petition for its disposal on merits.

The writ petition is, therefore, dismissed. The petitioner is, however, at liberty to avail appropriate legal remedy in the event the learned Judicial Magistrate of First Class, Jaggaiahpet either does not pass an order on 22.12.2007 or passes an order adverse to his interest.

As a sequel to dismissal of the writ petition, W.P.M.P.No. 35164 of 2007 filed by the petitioner for interim relief is also dismissed.

C.V.NAGARJUNA REDDY, J

17.12.2007

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